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grounds annul the Charter of a Corporation for doing acts permitted by the Legislature.

Trial by Jury.—*State v. Griffin*, 29 Atl. Rep. 414 (N. H.). The law of New Hampshire requiring an appellant from a sentence of a justice of the peace to pay certain fees, is not an infringement of the constitutional right to a trial by jury, as the amount of such fees is less than the amount of those required by the Act of 1718, which was in force at the time of the adoption of that provision of the constitution, and the trial by jury secured to the subject by the constitution is a trial according to the course of the common law, and the same, in substance, as that which was in use when the constitution was framed.

CRIMINAL LAW.

Burglary—Evidence.—*State v. Valwell*, 29 Atl. Rep. 1018 (Vt.). On a trial for burglary the State proved that two of the defendants entered a house and stole property, while a third remained in their wagon. Evidence that earlier in the same night the latter participated with them in burglarizing another house was held admissible, as tending to show that he was cognizant of the second crime.

Homicide—Dying Declarations.—*Boulden v. State*, 15 S. Rep. 341 (Ala.). Statements of the deceased sought to be introduced as a dying declaration are not necessarily inadmissible because death did not occur until two months after they were made.

Criminal Jurisdiction—Division of County—Effect of Pending Prosecution.—*People v. Stokes*, 37 Pac. Rep. 207 (Cal.). While a criminal prosecution was pending, that part of the county in which the offense was committed was organized into a new county, and the prosecution was dismissed. Afterward the defendant was tried and convicted in the new county, which on appeal was held to have jurisdiction of the offense.

Evidence—Recalling Jury—Additional Instructions.—*State v. Hale*, 59 N. W. Rep. 281 (Iowa). Upon the jury being called in to receive additional instructions from the Court defendant and his counsel were not present. Reasonable efforts having been made to find them, but without success, the instructions were delivered. Held that their absence was not under such circumstances ground for a new trial.

Extradition.—*Carr v. State*, 16 S. Rep. 150 (Ala.). A person who has been surrendered by one State to another upon requisi-

tion, may be tried for an offense other than that designated in the requisition before being tried for the latter, or allowed to return to the State which surrendered him.

False Imprisonment—Evidence—Damages.—Sandum et al. v. Wells, 26 S. W. Rep. 1001 (Tex.). When a case of false imprisonment occurs, the sureties of the constable serving the process, are not liable unless it can be definitely proved that he was acting within his special and legal authority. The court held further that the character of the business of the person distrained should also be considered in estimating damages. That the mental suffering endured is a matter of fact for the jury, and no testimony of a witness as to it is admissible. And that the thoroughly honest intent of the constable is admissible as a mitigating cause.

GENERAL CASES.

Action on Note—Joint Liability.—Stevens et al. v. Catlin, 37 N. E. Rep. 1023 (Ill.). Upon the death of one of four joint parties to a promissory note, it was claimed that the surviving promisors could not be sued jointly. The Court held that the death of one did not affect the liability of the remaining parties to the note.

Damages—Materials for Building—Delay in Furnishing—Injury to Building by Rains.—Carnegie, Phipps & Co. (Limited) v. Holt, 58 N. W. Rep. 623 (Mich.). Plaintiffs sold to defendant steel pillars and beams for a building, to be furnished upon "reasonable notice" as ordered by defendant's architect. Defendant sought damages for delay in furnishing such materials, on the ground that this delay postponed the completion of the building until January 1st, and that in December heavy rain-storms filled the basement with water, causing the foundation to sink on one side, and also that the walls being wet the plastering was affected. The Court held that the injury to the building from the rains was too remote to constitute an element of damage, and that the drenching of the building by a December rain-storm was not an ordinary proximate and direct result of plaintiffs' delay, as a rain-storm might have come in any other month as well as in December.

Res Judicata—County Swamp Lands—Validity of Contract.—Wm. Brown Estate Co. v. Wayne Co., 27 S. W. Rep. 322 (Mo.). The Supreme Court, in an action between third parties upon matters involved in a contract for the sale of swamp lands, assumed the contract to be valid. The same court, in a subsequent suit involving the nature of the contract, declared it void. The plaintiff thereupon brought suit to compel its performance, alleging